

25.01.2024
Item No.146
Ct. No. 238
AKG

WPA 10677 of 2019
Smt. Gayatri Singha
Vs.
The State of West Bengal & Ors.

Mr. Prasenjit Debnath,
Ms. Pritha Biswas

...for the Petitioner

Ms. Tapati Samanta

...for the State

The substituted petitioner no. 1 is the son of original writ petitioner, and the substituted petitioner nos. 2 & 3 are her daughters. All of them are major. The original writ petitioners approached this Court for release of the family pension in her favour on the death of her husband, who died in harness as a “Rural Librarian” under the Department of Mass Education Extension & Library Services of the State.

It has been submitted by Ms. Tapati Samanta, learned advocate appearing for the State, that petitioner no. 1, the elder daughter of the original writ petitioner, was given compassionate appointment on the death of her father. She has retired in the meantime. The petitioner no. 1 & 3 are also not entitled to receive the family pension, as both of them are major.

These facts have not been disputed by the learned advocate appearing for the petitioner.

However, Ms. Samanta, learned advocate appearing for the State submits that pursuant to an order dated September 15, 2023 in FMA 1405 of 2022 (Gita Rani Mukherjee Vs. The State of West Bengal & Ors.), the State is in the process of framing a scheme for pension.

The petitioners have no subsisting right to family pension, and therefore, no order can be passed in this writ petition. However, I make it clear that any of the petitioners become entitled to get any relief under the pension scheme, he/she may approach the proper forum seeking relief.

With the aforesaid observations, **WPA 10677 of 2019** is disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)